

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

received
6/20/19

COMPLAINT INVESTIGATION FORM

*If there is an issue with more than one veterinarian please file a
separate Complaint Investigation Form for each veterinarian*

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: June 20, 2019 Case Number: 19-91

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Joshua Winston
Premise Name: Sun City West Animal Hospital
Premise Address: 13576 W Camino Del Sol #1
City: Sun City West State: Az Zip Code: 85376
Telephone: (623) 584-8030

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Alicia Carrillo
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Grinner Katayama-Rassavong

Breed/Species: Mix-Canine

Age: 10y Sex: Male Color: Red

PATIENT INFORMATION (2):

Name: Beau Katayama-Rassavong

Breed/Species: Pug-Canine

Age: 15y Sex: Male Color: Fawn

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Joshua Winston

13576 W Camino Del Sol #1 Sun City West, Az 85376

623-584-8030

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Alicia Canillo

Date: 4/19/19

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I was employed at this hospital for 5 years. I brought my pets in for routine exams and labwork. After a clinic called and sent a fax to them several times, they are stating they dont have records of my pets Grinner and Beau available. But I know they have them. My two pets were seen in the last 3 years for lab work.

Sun City West Animal Hospital

Joshua Winston, DVM

623-584-8030

Case # 19-91

July 1, 2019

To: Arizona State Veterinary Medical Examining Board:

Dear Board Members,

I am in receipt of your letter and the complaint.

I am a little puzzled and I have to admit my feelings are a little hurt.

Alicia started as a veterinary assistant and in the last 2 years of her employment she took on some managerial duties.

She was dismissed last year.

It is never pleasant to have to terminate an employee. However, I felt there was no significant or particular animas at the time.

After her leaving there were no further communications or contact.

A few weeks ago, one of the receptionists informed me that there was a request for records from another hospital.

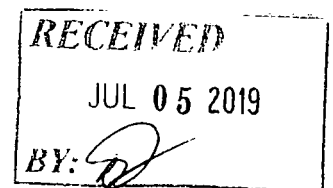
I was under the impression that Alicia had taken her records already when she had left. But it was such a routine request that I didn't really give it much thought. Obviously, my staff informs me when there is a request for records. And of course, I said yes.

I know that records were faxed. I presume they were all the records we had. And I had heard nothing further from Alicia or the requesting hospital. I was not aware of how many files were faxed. However, after receiving this complaint I asked the receptionists if there was any further requests and I was informed that the requesting hospital contacted us an additional time and was told that we don't have those specific records. That was the first time I heard about missing files. As of this writing there were no further communications.

That's why I am a little puzzled why this went straight to a potential Board complaint.

I presume that someone who feels that the only remedy will come through the intervention of the Board, would have already made a herculean effort to acquire the records they feel they are being wrongly denied. Steps such as having the veterinarian from the requesting hospital give me a professional courtesy call as a heads up or perhaps a history of repeated phone calls that were ignored or emails or receipt of a certified letter?

So, this seems to have escalated very quickly.



In fact, the receipt of your letter is the first I have heard that a problem even existed.

If I had known there was an issue, I would have immediately contacted the requesting hospital explain the situation and send the digital copies of services and lab work and x-rays if they existed. But my staff were also under the impression that the only reason the records were missing was because she had taken them.

It is sad that this could have been resolved with a simple phone call.

The important point is that there is no reason for me to deny her records. I have no ill will toward Alicia. There is no reason why I would not give or fax files to her or another vet hospital. There is no nefarious reason why some were sent and others were not. And more importantly I have a legal and ethical duty to make her pet's records available. I have no choice...it's the rules.

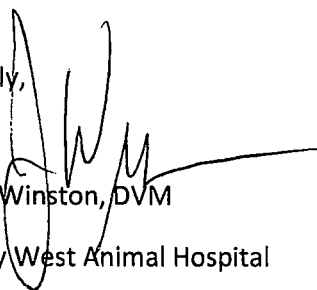
I don't want to manufacture motives for this situation. I will emphatically state that there is no reason for us to deny Alicia her records except for the simple fact that we don't have them anymore. Alicia had a number of pets and those files are missing too. There is a definitive possibility that Alicia took her pet's files. And that is not an accusation. I hope I didn't inadvertently violate some rule that states that I cannot relinquish the original file to an owner but I felt if Alicia wanted to take her files it was ok.

We are not digital but we do have a permanent record of services in our computer. Though they lack the physical exam hard copies, they are clear enough to show when and what and why the pets were treated. Neither of the 2 dogs had been seen for anything dramatic and most of the files are records of purchases for products or medications. We also have the radiographs and lab results.

I have enclosed all the information we have and I presume the Board will make it available to Alicia.

I really hope this settles this unfortunate situation.

Sincerely,



Joshua Winston, DVM

Sun City West Animal Hospital



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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Christine Butkiewicz, DVM
William Hamilton
Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Victoria Whitmore - Executive Director
Mary Williams – Assistant Attorney General

RE: Case: 19-91
Complainant(s): Alicia Carrillo
Respondent(s): Joshua Winston, DVM (License: 3735)

SUMMARY:

Complaint Received at Board Office: 6/20/19
Committee Discussion: 9/10/19
Board IIR: 10/16/19

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

Complainant states that medical records for her dog's "Grinner," a 10-year-old male canine mix and "Beau," a 15-year-old male Pug, were requested from Respondent's premise. The veterinary premises that requested the medical records were advised that there were no records available.

Respondent explained that Complainant was terminated a year ago -- when records were requested for these pets and they were not found, it was assumed that Complainant took the medical records with her when she left.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Alicia Carrillo
- Respondent(s) narrative/medical record: Joshua Winston, DVM

PROPOSED 'FINDINGS of FACT':

1. According to Complainant, she was employed at Respondent's premise for five years. She had brought her pets in for routine exams and lab work. A clinic called and sent faxes several times requesting the medical records for the two dogs. Respondent's premise advised that they did not have the medical records for those two dogs. Complainant was concerned since the dogs had been seen there in the past three years.
2. Respondent explained that Complainant was terminated last year. A few weeks prior to the complaint, one of his receptionists informed him that there was a request for medical records from another hospital; Respondent approved. Respondent stated that he was under the impression that when Complainant left, she had taken her medical records with her. However, since it was a routine request, Respondent did not give it much thought.
3. Respondent continued that he knew medical records were faxed and presumed they were all the records they had. Respondent heard nothing more from Complainant or the requesting veterinary premises.
4. After receiving the complaint, Respondent asked his receptionists if there were any further requests and he was told that the requesting veterinary premises contacted them an additional time and were told that they do not have those specific records. Respondent stated that was the first time he was aware of missing files.
5. Respondent stated that if he had known there was an issue, he would have immediately contacted the requesting premises to explain the situation and send the digital copies of services, lab work and radiographs, if they existed. However, Respondent's staff was also under the impression that the only reason the medical records were missing was because Complainant had taken them. There was no reason to deny her records.
6. Respondent stated that Complainant had a number of pets and those files were also missing. Medical records are not digital, but they do have permanent record of services in their computer. They do not include physical exam hard copies but are clear enough to show when and why the pets were seen and treated. Respondent relayed that neither of Complainant's dogs were seen for anything dramatic and most of the files are records of purchases for products or medications. They also have the radiographs and lab results.
7. Respondent enclosed the requested computer records for Complainants two dogs listed in the complaint.

COMMITTEE DISCUSSION:

The Committee discussed that after speaking to both Complainant and Respondent, it appeared that there was one lab work that was not provided to Complainant. The lab could be contacted and that information could be provided to her.

Respondent had no reason to keep the medical records from Complainant.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

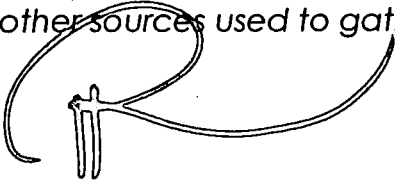
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to read 'Tracy A. Riendeau', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division

DOUGLAS A. DUCEY
GOVERNOR



VICTORIA WHITMORE
EXECUTIVE DIRECTOR

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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PHONE (602) 364-1-PET FAX (602) 364-1039

CERTIFIED MAIL
70180360000011885228

October 21, 2019

Joshua Winston, DVM
ADDRESS ON FILE

LETTER OF CONCERN – 19-91 - In Re: Joshua Winston, DVM

Dear Dr. Winston:

At its meeting on October 16, 2019, the Arizona State Veterinary Medical Examining Board considered information presented in the complaint case brought by Alicia Carrillo regarding her dog's medical records.

In each case, the Board considers the situation and the professional's response, as well as all relevant information. In this matter, after review and discussion, the Board voted to issue you a Letter of Concern pursuant to A.R.S. § 32-2234(D) regarding the need to ensure that pets' records are maintained for three years after the last date of service.

A Letter of Concern is defined in A.R.S. § 32-2201(12) as "...an advisory letter to notify a veterinarian that, while there is insufficient evidence to support disciplinary action about certain aspects of the case, the Board believes the veterinarian should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the Board may result in action against the veterinarian's license."

We hope you will take this advisory letter in the spirit that it is intended to avoid any other potential violations in the future.

Respectfully,
FOR THE BOARD

James Loughhead
Chairman

cc: Alicia Carrillo